

**REMARKS**

Claim 23-27, 31, and 32 were pending. Claims 25 and 31 are canceled herein. Claim 23 has been amended. It is believed that no new matter is added. The amendments are made solely to promote prosecution without prejudice or disclaimer of any previously claimed subject matter. With respect to all amendments and canceled claims, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants expressly reserve the right to pursue prosecution of any presently excluded subject matter or claim embodiments in one or more future applications. Claims 23, 24, 26, 27, and 32 are presently pending. No claim has been allowed.

**Formal Matters**

Applicants gratefully acknowledge the withdrawal of finality of the previous Office Action and the withdrawal of the rejection under 35 U.S.C. § 102(a).

The Action objects to claim 31 as being dependent on a rejected base claim. The objection is rendered moot in view of the cancellation of claim 31.

In view of the above, Applicants respectfully submit that the objection to claim 31 is overcome and request the withdrawal of this objection.

**Rejection Under 35 U.S.C. § 112, first paragraph**

Claims 23-27 and 32 are rejected under 35 U.S.C. § 112, first paragraph as allegedly lacking reasonable enablement for the administration of BDNF by any route. According to the Action, the specification enables only the administration of BDNF by intracavernous injection for reasons of record. Applicants traverse this rejection for reasons of record.

Applicants have amended claim 23 to include the limitation of claim 31 herein and therefore this rejection is rendered moot.

In view of the above, Applicants respectfully submit that the rejection under 35 U.S.C. § 112, first paragraph is overcome and request the withdrawal of this rejection.

## CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding objection and rejection of the claims and to pass this application to issue.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 220022001600. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: November 13, 2003

Respectfully submitted,

By  
Laurie L. Hill, Ph.D.

Registration No.: 51,804  
MORRISON & FOERSTER LLP  
3811 Valley Centre Drive, Suite 500  
San Diego, California 92130  
(858) 720-7955